

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2769

IN THE MATTER OF:

Served September 25, 1985

Application of JOHN W. BROWN to)
Transfer Certificate No. 45 to J&B)
Transportation Co., Inc.)

Case No. AP-85-28

By application filed September 24, 1985, John W. Brown trading as J&B Transportation ("transferor") seeks approval to transfer to J&B Transportation Company, Inc., ("transferee"). Certificate of Public Convenience and Necessity No. 45, issued to Mr. Brown pursuant to Order No. 1749, served September 16, 1977. Transferee is a District of Columbia corporation established June 16, 1982. The corporate balance sheet shows assets of \$10,024 with retained earnings of \$7,616.78 as of December 31, 1984. An appropriate certificate of insurance showing the corporation as the named insured was filed.

Certificate No. 62 authorizes the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, round-trip or one-way, transporting persons confined to wheelchairs:

Between medical treatment facilities located in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District.

RESTRICTIONS: The service authorized herein is restricted to the transportation of non-ambulatory participants in the Medicaid program of the District of Columbia, and is further restricted to transportation in van-type vehicles specially equipped with ramps and mechanical devices for securing wheelchairs in transit.

Simply put, Mr. Brown now proposes to provide this service as a corporation rather than as a sole proprietor. Although the application contained a certificate of incorporation, it did not contain the required articles of incorporation.

This application is governed by Title II, Article XII, Section 4(h) of the Compact which provides that

No certificate under this section may be transferred unless such transfer is approved by the Commission as being consistent with the public interest.

This matter will be scheduled for public hearing and transferee will be directed to file its articles of incorporation. Transferor will be assessed an amount preliminarily estimated to cover the expenses of the hearing. In the event that no protests are filed by the date established therefor, applicant may file no later than Thursday, October 17, 1985, with the Commission a motion (a) waiving its right to a public hearing, (b) seeking relief from the assessment to cover the costs of that hearing, and (c) requesting a decision based on the pleadings of record.

THEREFORE, IT IS ORDERED:

1. That the above-captioned matter is hereby scheduled for public hearing to commence at 9:30 a.m. on Tuesday, October 22, 1985, in the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

2. That transferor is directed to publish once in a newspaper of general circulation in the Metropolitan District, notice of the application and hearing, in the form prescribed by the staff of the Commission, no later than Wednesday, October 2, 1985.

3. That transferor is directed to post in its vehicles continuously through the date of the public hearing, notice of said application and hearing, in the form prescribed by the staff of the Commission, no later than Wednesday, October 2, 1985.

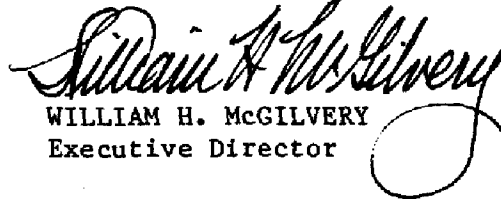
4. That transferor shall file with the Commission an affidavit attesting such publication and posting, no later than 12 noon Tuesday, October 17, 1985.

5. That any person desiring to protest this application shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission in writing, no later than Tuesday, October 15, 1985, and shall mail a copy of such protest or notice to counsel for transferor, J.L. Gibson, Jr., Esquire, 1511 K Street, N.W., #941, Washington, D.C. 20015.

6. That transferor is hereby assessed \$200 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said sum to the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006, no later than 12 noon on Tuesday, October 17, 1985.

7. That transferor is hereby directed to file with the Commission an original and four copies of its articles of incorporation, no later than 12 noon on Tuesday, October 17, 1985.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director